

Jason Webb (USB#10128)  
Philip Matthews (USB #13294)  
Webb IP Law Group  
1204 W. South Jordan Parkway Suite B2  
South Jordan, UT 84095

Jaburg & Wilk, P.C.  
3200 N. Central Avenue, 20th Floor  
Phoenix, AZ 85012  
602.248.1000

Adam S. Kunz (USB#7915)  
ask@jaburgwilk.com

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**IN THE UNITED STATES DISTRICT COURT**  
**DISTRICT OF UTAH**

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VISION SECURITY, LLC, a Limited  
Liability Company, ROB HARRIS, an  
individual,

Plaintiffs,

v.

XCENTRIC VENTURES, LLC, an  
Arizona Limited Liability Company;

Defendant.

Case No.: 2:13-CV-00926-EJF

**ANSWER**

For its Answer to Plaintiffs' Complaint, Defendant, Xcentric Ventures, LLC, responds as follows:

1. Defendant lacks sufficient knowledge to admit or deny the allegations set forth in Paragraph 1 of the Complaint and accordingly denies the same.

2. Defendant lacks sufficient knowledge to admit or deny the allegations set forth in Paragraph 2 of the Complaint and accordingly denies the same.

3. Defendant admits the allegations contained in Paragraph 3 of the Complaint.

4. Defendant denies the allegations contained in Paragraph 4 of the Complaint.

5. Defendant denies the allegations contained in Paragraph 5 of the Complaint.

6. Defendant lacks sufficient knowledge to admit or deny the allegations set forth in Paragraph 6 of the Complaint and accordingly denies the same.

7. Defendant lacks sufficient knowledge to admit or deny the allegations set forth in Paragraph 7 of the Complaint and accordingly denies the same.

8. Defendant lacks sufficient knowledge to admit or deny the allegations set forth in Paragraph 8 of the Complaint and accordingly denies the same.

9. Defendant lacks sufficient knowledge to admit or deny the allegations set forth in Paragraph 9 of the Complaint and accordingly denies the same.

10. Defendant lacks sufficient knowledge to admit or deny the allegations set forth in Paragraph 10 of the Complaint and accordingly denies the same.

11. Defendant lacks sufficient knowledge to admit or deny the allegations set forth in Paragraph 11 of the Complaint and accordingly denies the same.

12. Defendant lacks sufficient knowledge to admit or deny the allegations set forth in Paragraph 12 of the Complaint and accordingly denies the same.

13. Defendant lacks sufficient knowledge to admit or deny the allegations set forth in Paragraph 13 of the Complaint and accordingly denies the same.

14. Defendant lacks sufficient knowledge to admit or deny the allegations set forth in Paragraph 14 of the Complaint and accordingly denies the same.

15. Defendant lacks sufficient knowledge to admit or deny the allegations set forth in Paragraph 15 of the Complaint and accordingly denies the same.

16. Defendant denies that Defendant XV is an internet content provider and admits the remaining allegations contained in Paragraph 16 of the Complaint.

17. Defendant admits that even after the user posts statements on Ripoff Report and the user indicates the user wants their posting taken down, Ripoff Report makes the decision to leave the posting on Ripoff Report without regard to the personal directive of the user. Defendant denies the remaining allegations contained in Paragraph 17 of the Complaint.

18. Defendant denies the allegations contained in Paragraph 18 of the Complaint.

19. Defendant denies the allegations contained in Paragraph 19 of the Complaint.

20. Defendant denies the allegations contained in Paragraph 20 of the Complaint.

21. Defendant admits that Ripoff Report's home page has a tag line that says "By consumers, for consumers" and "Don't let them get away with it. Let the truth be known." Defendant denies the remaining allegations contained in Paragraph 21 of the Complaint.

22. Defendant admits that Ripoff Report's home page has a tag line that states "Complaints Reviews Scams Lawsuits Frauds Reported. File your review. Consumers educating consumers." Defendant denies the remaining allegations contained in Paragraph 22 of the Complaint.

23. Defendant admits the allegations contained in Paragraph 23 of the Complaint.

24. Defendant admits the allegations contained in Paragraph 24 of the Complaint.

25. Defendant admits the allegations contained in Paragraph 25 of the Complaint.

26. Defendant admits the allegations contained in Paragraph 26 of the Complaint.

27. Defendant lacks sufficient knowledge to admit or deny the allegations set forth in Paragraph 27 of the Complaint and accordingly denies the same.

28. Defendant lacks sufficient knowledge to admit or deny the allegations set forth in Paragraph 28 of the Complaint and accordingly denies the same.

29. Defendant denies the allegations contained in Paragraph 29 of the Complaint.

30. Defendant admits the allegations contained in Paragraph 30 of the Complaint.

31. Defendant denies the allegations contained in Paragraph 31 of the Complaint.

32. Defendant admits the allegations contained in Paragraph 32 of the Complaint.

33. Defendant admits the allegations contained in Paragraph 33 of the Complaint, but affirmatively alleges that the term “substantial” is ambiguous and subjective.

34. Defendant admits the allegations contained in Paragraph 34 of the Complaint.

35. Defendant admits the allegations contained in Paragraph 35 of the Complaint, but affirmatively alleges that XV’s terms of service prohibit false posts.

36. Defendant denies the allegations contained in Paragraph 36 of the Complaint.

37. Defendant denies the allegations contained in Paragraph 37 of the Complaint.

38. Defendant denies the allegations contained in Paragraph 38 of the Complaint.

39. Defendant denies the allegations contained in Paragraph 39 of the Complaint.

40. Defendant denies the allegations contained in Paragraph 40 of the Complaint.

41. Defendant denies the allegations contained in Paragraph 41 of the Complaint.

42. Defendant repeats and realleges each of its responses contained in Paragraphs 1 through 41 of this Answer.

43. Defendant denies the allegations contained in Paragraph 43 of the Complaint.

44. Defendant denies the allegations contained in Paragraph 44 of the Complaint.

45. Defendant denies the allegations contained in Paragraph 45 of the Complaint.

46. Defendant denies the allegations contained in Paragraph 46 of the Complaint.

47. Defendant denies the allegations contained in Paragraph 47 of the Complaint.

48. Defendant admits the allegations contained in Paragraph 48 of the Complaint.

49. Defendant denies the allegations contained in Paragraph 49 of the Complaint.

50. Defendant denies the allegations contained in Paragraph 50 of the Complaint.

51. Defendant denies the allegations contained in Paragraph 51 of the Complaint.

52. Defendant denies the allegations contained in Paragraph 52 of the Complaint.

53. Defendant denies the allegations contained in Paragraph 53 of the Complaint.

54. Defendant denies the allegations contained in Paragraph 54 of the Complaint.

55. Defendant repeats and realleges each of its responses contained in Paragraphs 1 through 55 of this Answer.

56. Defendant denies the allegations contained in Paragraph 56 of the Complaint.

57. Defendant admits that Ripoff Report's home page has a tag line that says "By consumers, for consumers" and "Don't let them get away with it. Let the truth be known" and denies the remaining allegations contained in Paragraph 57.

58. Defendant admits that Ripoff Report's home page has a tag line that states "Complaints Reviews Scams Lawsuits Frauds Reported. File your review. Consumers educating consumers" and denies the remaining allegations contained in Paragraph 58.

59. Defendant denies the allegations contained in Paragraph 59 of the Complaint.

60. Defendant denies the allegations contained in Paragraph 60 of the Complaint.

61. Defendant denies the allegations contained in Paragraph 61 of the Complaint.

62. Defendant denies the allegations contained in Paragraph 62 of the Complaint.

63. Defendant denies the allegations contained in Paragraph 63 of the Complaint.

64. Defendant denies the allegations contained in Paragraph 64 of the Complaint.

65. Defendant repeats and realleges each of its responses contained in Paragraphs 1 through 64 of this Answer.

66. Defendant admits the allegations contained in Paragraph 66 of the Complaint.

67. Defendant denies the allegations contained in Paragraph 67 of the Complaint.

68. Defendant admits the allegations contained in Paragraph 68 of the Complaint.

69. Defendant denies the allegations contained in Paragraph 69 of the Complaint.

70. Defendant lacks sufficient knowledge to admit or deny the allegations set forth in Paragraph 70 of the Complaint and accordingly denies the same.

71. Defendant denies the allegations contained in Paragraph 71 of the Complaint.

72. Defendant denies the allegations contained in Paragraph 72 of the Complaint.

73. Defendant lacks sufficient knowledge to admit or deny the allegations set forth in Paragraph 73 of the Complaint and accordingly denies the same.

74. Defendant denies the allegations contained in Paragraph 74 of the Complaint.

75. Defendant denies the allegations contained in Paragraph 75 of the Complaint.

76. Defendant denies the allegations contained in Paragraph 76 of the Complaint.

77. Defendant denies the allegations contained in Paragraph 77 of the Complaint.

78. Defendant denies the allegations contained in Paragraph 78 of the Complaint.

79. Defendant denies the allegations contained in Paragraph 79 of the Complaint.

80. Defendant repeats and realleges each of its responses contained in Paragraphs 1 through 80 of this Answer.

81. Defendant lacks sufficient knowledge to admit or deny the allegations set forth in Paragraph 81 of the Complaint and accordingly denies the same.

82. Defendant denies the allegations contained in Paragraph 82 of the Complaint.

83. Defendant denies the allegations contained in Paragraph 83 of the Complaint.

84. Defendant denies the allegations contained in Paragraph 84 of the Complaint.

85. Defendant repeats and realleges each of its responses contained in Paragraphs 1 through 84 of this Answer.

86. Defendant denies the allegations contained in Paragraph 86 of the Complaint.

87. Defendant denies the allegations contained in Paragraph 87 of the Complaint.

88. Defendant denies the allegations contained in Paragraph 88 of the Complaint.



89. Defendant lacks sufficient knowledge to admit or deny the allegations set forth in Paragraph 89 of the Complaint and accordingly denies the same.

90. Defendant lacks sufficient knowledge to admit or deny the allegations set forth in Paragraph 90 of the Complaint and accordingly denies the same.

91. Defendant lacks sufficient knowledge to admit or deny the allegations set forth in Paragraph 91 of the Complaint and accordingly denies the same.

92. Defendant lacks sufficient knowledge to admit or deny the allegations set forth in Paragraph 92 of the Complaint and accordingly denies the same.

93. Defendant denies the allegations contained in Paragraph 93 of the Complaint.

94. Defendant denies the allegations contained in Paragraph 94 of the Complaint.

95. Defendant denies the allegations contained in Paragraph 95 of the Complaint.

96. Defendant denies the allegations contained in Paragraph 96 of the Complaint.

97. Defendant denies the allegations contained in Paragraph 97 of the Complaint.

98. Defendant denies the allegations contained in Paragraph 98 of the Complaint.

99. Defendant denies the allegations contained in Paragraph 99 of the Complaint.

100. Defendant denies the allegations contained in Paragraph 100 of the Complaint.

101. Defendant denies the allegations contained in Paragraph 101 of the Complaint.

102. Defendant repeats and realleges each of its responses contained in Paragraphs 1 through 101 of this Answer.

103. Defendant denies the allegations contained in Paragraph 103 of the Complaint.

104. Defendant denies the allegations contained in Paragraph 104 of the Complaint.

105. Defendant denies the allegations contained in Paragraph 105 of the Complaint.

106. Defendant denies the allegations contained in Paragraph 106 of the Complaint.

107. Defendant denies the allegations contained in Paragraph 107 of the Complaint.

108. Defendant denies the allegations contained in Paragraph 108 of the Complaint.

109. Defendant repeats and realleges each of its responses contained in Paragraphs 1 through 109 of this Answer.

110. Defendant denies the allegations contained in Paragraph 110 of the Complaint.

111. Defendant denies the allegations contained in Paragraph 111 of the Complaint.

112. Defendant lacks sufficient knowledge to admit or deny the allegations set forth in Paragraph 112 of the Complaint and accordingly denies the same.

113. Defendant denies the allegations contained in Paragraph 113 of the Complaint.

114. Defendant denies the allegations contained in Paragraph 114 of the Complaint.

### **FIRST AFFIRMATIVE DEFENSE**

(Failure to State a Claim)

The Complaint and each cause of action set forth therein fails to state any claim upon which relief may be granted.

### **SECOND AFFIRMATIVE DEFENSE**

(Lack of Personal Jurisdiction)

The Complaint and each cause of action set forth therein is barred by lack of personal jurisdiction over Defendant. Furthermore, all posters agree to jurisdiction in Arizona over all disputes arising from posts on Ripoff Report.

### **THIRD AFFIRMATIVE DEFENSE**

(Lack of Standing)

The Complaint and each cause of action set forth therein is barred by Plaintiffs' lack of standing.

### **FOURTH AFFIRMATIVE DEFENSE**

(Immunity Under the Communications Decency Act)

Without acknowledging that such is an affirmative defense, as opposed to an affirmative element of Plaintiffs' case, the Complaint fails to state any claim upon which relief may be granted because, inter alia, Defendant may not be treated as the publisher of any of the statements at issue in this matter pursuant to the Communications Decency Act, 47 U.S.C. § 230(c)(1).

### **FIFTH AFFIRMATIVE DEFENSE**

(Unclean Hands)

The Complaint and each cause of action set forth therein is barred by Plaintiffs' unclean hands.

**SIXTH AFFIRMATIVE DEFENSE**

(Statute of Limitations)

The Complaint and each cause of action set forth therein is barred to the extent that the applicable statute(s) of limitations have expired.

**SEVENTH AFFIRMATIVE DEFENSE**

(Truth)

The Complaint and each defamation-based cause of action set forth therein is barred to the extent that any statements of and concerning Plaintiffs were, in fact, true.

WHEREFORE, Defendant Xcentric Ventures respectfully requests that the Court enter judgment in favor of Defendant and against Plaintiffs and grant the following relief:

1. Dismissal of all causes of action with prejudice;
2. For Defendant's costs and attorneys' fees incurred defending this Complaint; and
3. For such other and further relief as the Court deems just and proper.

DATED September 25th, 2014

Respectfully Submitted,

XCENTRIC VENTURES, LLC  
By Counsel

/s/Adam S. Kunz  
Adam S. Kunz  
Jaburg & Wilk, P.C.  
3200 North Central Avenue  
Suite 2000  
Phoenix, Arizona 85012

Webb IP Law Group  
1204 W. South Jordan Parkway  
Suite B2  
South Jordan, UT 84095